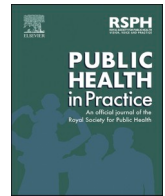




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Letter to the Editor

Towards vaccine equity: Should big pharma waive intellectual property rights for COVID-19 vaccines?

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Dear Editor,

Vaccines are the main exit strategy from the pandemic. This, however, will only work if vaccines are available and affordable for the entire world. Extreme vaccine shortages in low- and middle-income countries (LMICs) have highlighted the problem of intellectual property rights. COVID-19 vaccination programs are very well progressing in high-income countries (HICs), and life is returning to normalcy; but, in some low- and middle-income countries, the pandemic is wreaking new waves of havoc. India is currently struggling with a devastating second wave, with over 28 million coronavirus cases and more than 340,000 deaths [1] amidst the widespread shortages of oxygen in hospitals. The inequality in access to COVID-19 vaccines between HICs and LMICs has been apparent and impossible to overlook. According to recent UNICEF data, high- and upper-middle-income countries received 86% of all doses administered worldwide up to March 30, 2021, while LMICs received just 1% of jabs [2]. As the pandemic ravages economically disadvantaged countries, the hoarding of vaccines by the affluent countries has taken the issue of vaccine patents to the forefront.

Big Pharma has been critical in the fight against COVID-19. Nonetheless, a public uproar from some countries points to a perceived deficit in their commitment towards the end of COVID-19. South Africa and India submitted a proposal to the World Trade Organization (WTO) in October 2020 to waive the intellectual property (IP) rights of pharmaceutical industries for COVID-19 vaccines and therapies [3]. The waiver will enable drug manufacturers in developing countries to manufacture vaccines without fear of legal litigation from big pharma companies who own patents on the drugs. Big Pharma, on the other hand, has been vehemently opposed to the proposal since its submission, suggesting that suspending intellectual property rights to vaccines would remove the incentive required for pharmaceutical firms to innovate. A new proposal, this time from the United States, about how to increase access to COVID-19 vaccines by easing patent rights has contributed to an already complex and heated debate amongst the World Trade Organization's 164 members [4].

1. Proponent's argument

Proponents of the waiver have suggested that the monopoly of Big Pharma on vaccine development is unfair, considering that a majority of COVID-19 vaccines have been funded by taxpayers' money [5]. At least 97% of research into the AstraZeneca-Oxford vaccine has been funded by the government [6], while Moderna, Janssen, and BioNTech – the German company with which Pfizer developed its vaccine – have all received significant government funding [5]. Property rights such as patents, industrial designs, trademarks, and the protection of undisclosed information, according to the Indian/South African proposal in October 2020, obstruct timely access to affordable vaccines and medicines required to combat COVID-19 [2]. Thus, they propose that the waiver be granted for an indefinite amount of time, with an ongoing review until it expires, and advocate for unrestricted global sharing of technology and technical expertise [4]. They also argue that the waiver will compel pharmaceutical companies with patents to boost the supply of their drugs [4]. However, there are corresponding counter-arguments.

2. Opponent's argument: perspectives from big pharma

One of the counterarguments is that the waiver cannot help generic manufacturers (or patients) because it does not fix the lack of manufacturing capability and feeble healthcare systems of certain LMICs [7]. Furthermore, they suggest that it is unable to alleviate the scarcity of raw materials or the high learning curve of manufacturing processes [7]. For context, the technology used in the manufacture of the Pfizer mRNA vaccine was developed lately and with groundbreaking technical expertise; as a result, no pharmaceutical company can easily reproduce it [7]. According to Big Pharma, the constraint is not just intellectual property rights, but also the underlying processes around the protected technology. They argue that vaccine development is unpredictable and expensive, and that strong intellectual property protection has provided an impetus for the development of vaccines at record speed, and would do so again in work on combating novel variants or a prospective

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pandemic [7]. Big pharma also claims that just a little amount of the funding was provided by the government. They say that the production of vaccines is difficult. Drawing on insights from the manufacturing problems faced by non-specialist AstraZeneca, while Big Pharma maintained that suspending patents alone will not bring more shots [7], another critic suggested that the proposal was unnecessary [8]. While these claims have different viewpoints, the main concern is how this impacts COVID-19 containment in low- and middle-income countries and how quickly vaccines can be made available there.

3. Conclusion

Waiving or relaxing intellectual property rights over anti-COVID technologies would not solve the global pandemic. Nonetheless, it has the potential to clear several roadblocks. It may also be argued that granting a waiver would be a reasonable decision, given that more than US\$12 billion of public funding has gone into vaccine research and development. Despite Big Pharma's stance on waiver refusal, increasing global vaccine availability will be a significant boost to efforts to contain COVID-19. Efforts to ease IP laws, on the other hand, can see the balance shifted towards COVID-19 containment.

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